HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8858 of 2006

Dated 9-10-2006

Between:

Valluri Ramu, Bavajipet, Vijayawada.

……Petitioner

and

The Commissioner of Police, Vijayawada, Krishna District and others.

…..Respondents

HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8858 of 2006

ORDER:

The petitioner is aggrieved that his complaint dated 22-4-2006 addressed to the second respondent and the complaint dated

23-4-2006 posted to the 1st respondent have not been taken cognizance of and registered.

The 2nd respondent has filed a counter affidavit, which reads as under:-

> "It is respectfully submitted that it is fact that the petitioner herein has lodged a complaint with this respondent police station on 22.4.2006 against the 3rd respondent herein. In the complaint he alleged that the 3rd respondent called him and asked him to be a witness as they are selling their house and that they sold their house to one Routhula Lakshmi under an agreement and received four and half lakhs rupees as advance and that he signed as witness. IT was further alleged that the said Lakshmi filed a suit against the 3rd respondent and his mother K. Yasodamma. In the complaint it was alleged that on

21.4.2006 at 11.oo hrs. the 3rd respondent came to his house situated in Bavajipet and threatened him threw him upon which he fell down and hence requested to take action against the 3rd respondent. Pursuant to afresh complaint lodged by the petitioner registered it as a case in Cr.No.271/2006 u/s.323, 506 IPC on 11.5.2006. I submit that the contents of the petition appears to be non cognizable offence which attracts the provisions of Sec. 323 and 506 IPC and hence I requested the Hon'ble I Additional Chief Metropolitan Magistrate at Vijayawada to accord permission to take cognizance of the complaint and to arrest the accused. The permission of the Hon'ble Magistrate is awaited. Soon after receipt of permission from the Hon'ble Court, the investigation will be proceeded with. The complaint of the petitioner dated 22.4.2006 is non cognizable offence and hence the police have not acted upon it. However, on the complaint dated 11.5.2006 lodged by the petitioner, a case in Cr.No.271/2006 u/s 323 and 506 IPC was registered and the Hon'ble Court was requested to accord permission to take cognizance of the case. The same is awaited. Almost all the allegations made by the petitioner in his affidavit are the subject matter of the investigation in the said crime. Necessary action will be initiated after obtaining permission from the concerned Hon'ble Court. Hence, the writ petition deserves no consideration."

In the light of the averments in the counter affidavit, no further proceedings are warranted in this writ petition.

The writ petition is accordingly dismissed.

9th October 2006

mrb